

PUCI

BULLETIN

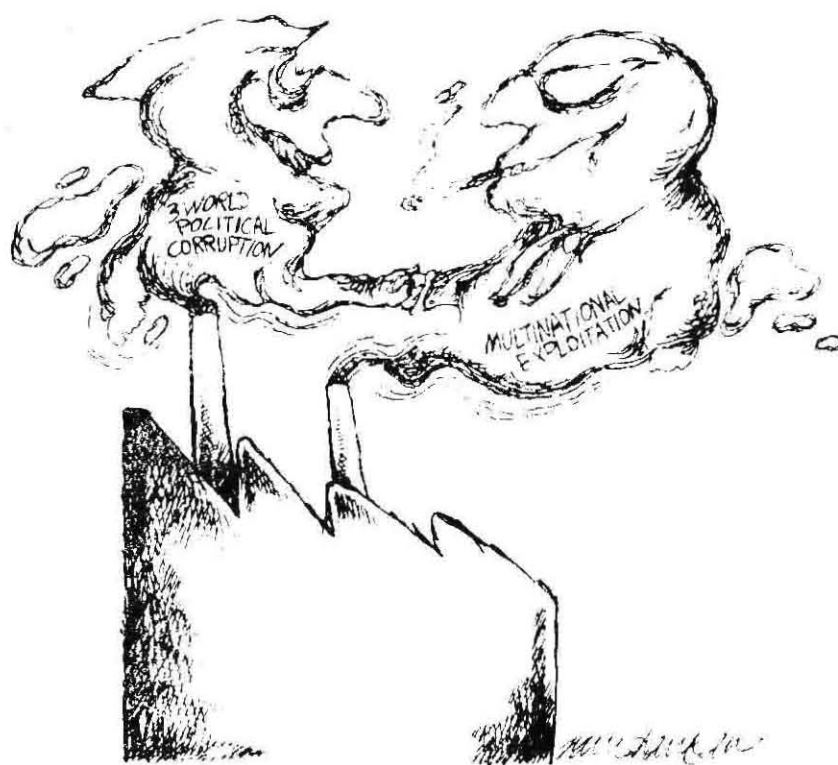
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PUCL BULLETIN

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Two Memorials

This is the first issue of the BULLETIN appearing after the dastardly killing of the prime minister Indira Gandhi on October 31, 1984 by her own security-guards. We condemn such inhuman and cowardly acts. Violence and bloodshed have no place in a democratic polity. Violence can only bring more and worse forms of violence. The PUCB position on the use of violence, and the rights and liberties of those indulging in it was reviewed at length at the 1982 Madras National Convention and PUCB's unflinching faith in non-violence as well as in the civil rights of all persons and democratic institutions was reaffirmed there. We must do everything possible to halt violence in politics and in other fields. PUCB had strong reservations about the late prime minister's respect for civil and democratic rights, and we had exposed and criticised her policies and the actions of her government in this regard. We had at no time believed that she as an individual person could have reversed the degeneration of human rights situation in this country. She was only a 'symbol' of the system. So nothing has been achieved by the fatal attack on the prime minister. We Indians must take a pledge that no person in public life shall meet with such an end.

All over the country, but particularly in Delhi and other cities of North India, thousands of innocent Sikhs were brutally killed in the days following the assassination. This blood bath which turned law abiding citizens into destitutes, widows, orphans and mental wrecks—and turned streets into infernos burning human flesh—will be one of the blackest episodes in Indian history. The influential people who instigated killer groups to go about and destroy the Sikhs as well as the institutions and functionaries who failed to protect the lives and limbs and properties of the victims are the worst enemies of India. We must continue to fight to bring to book those responsible for the burning of Delhi. If not, social decay will accelerate.

There are officially sponsored moves to build memorials to the late prime minister Indira Gandhi. What is equally needed is a memorial at a prominent place for the innocent people who were killed. This would become a symbol, a grim reminder for future generations of the senseless burning of Delhi and other cities, and the brutal orgy of hatred and violence against sections of their populations.

"If an ordinary person is silent
about the truth,
it may be a tactical manoeuvre,
If a writer is silent,
he is lying".

—JAROSLAV SEIFERT (83)
Nobel laureate for Literature 1984

Jaroslav the best-loved poet in Czechoslovakia, has been out of favour with the Prague regime in the fifties and again in the seventies, for his consistent stand against censorship and repression,

Refugees in Their Own Country

Delhi and other areas in North India saw ghastly killing of Sikhs, destruction of their properties and their total humiliation for four days from 31 October 1984. The thousands of survivors in Delhi took refuge in more than 25 camps. Nagrik Ekta Manch, a new voluntary effort took an active part to quell the communal riots and to bring succour to the refugees. We publish two accounts from the refugee camps run primarily by the Manch.

Farash Bazar Camp

Jaya Jaitly

**'There is no greater sorrow
than to recall in misery
the time when we were happy,
—Dante**

The Horror

When the news of Indira Gandhi's assassination was announced on October 31, 1984 many of us, in our simplicity did not feel unduly nervous. We moved around different parts of the capital city trying to assess the reactions of the man on the street. We waited to hear about an interim prime minister and discussed the sequence of events with friends and colleagues. What we did not do was worry about the Sikh community as a whole just because the assassins happened to be Sikhs—after all who worried about the Hindus when Mahatma Gandhi was shot? We expected shock, sorrow, indifference, dismay. What we did not expect was what began on the 31st evening and for some of us has not ended yet, and for many thousands of others may never end.

The burning of vehicles, stabbing and stoning began at 6.30 p.m. at the junction of Safdarjung and Lodi Roads. Mobs of 10 to 15 young men aimed at cars carrying Sikh passengers. At 7 p.m. we drove up to a policeman conducting traffic at this crossing; five vehicles were burning around us.

"Stop the group from stoning", we shouted.

"They are only out after the Sardars", we were told soothingly by the policeman, as if we should not worry about that.

"Does that mean they should not be stopped?" we asked.

He asked us to drive on—the police would be on their way, we were reassured. This reveals the attitude of the police all along the way, with a few exceptions.

For that entire night, the next day and night after that, through to the early hours of November 3, smoke filled the sky. Peace marches by concerned citizens, frantic telephone calls to the President, the Home Minister, the Police Commissioner, and appeals by private citizens and political leaders to stop the senseless killing, rioting, looting and arson by calling in the army immediately, went strangely unheard throughout those bizarre days.

On 3rd November morning, when the concentration on the body of the late prime minister was reaching a crescendo with every force and dignity involved in the arrangements for the funeral, members of the *NAGRIK EKTA MANCH* came upon the horror of burnt bodies lying in the narrow streets of Trilokpuri, a trans Jamuna resettlement colony not far from the industrial complex of NOIDA. People were still hiding in the charred remains of their homes, having had no food, water or protection from marauding mobs for two nights and a day.

The frustration and anger at the inaction around us was converted into a desperate urgency to provide the victims with relief, medical aid, and although far too late, security. With hastily assembled food supplies, medicines and doctors, a part of our team reached the police station where, we were told the refugees from Trilokpuri had been taken. This was the beginning of Farash Bazar.

Relief Camp

Farash Bazar Naya Thana is adjacent to Jhilmil Colony in the Shahdara area. A large and well appointed new building it has some grounds and two blocks of four floors of small flats waiting for electrical and water connections before being commissioned as police residences. There are 144 rooms, 72 kitchens and 72 balconies most of which were opened for the refugees, the others being full of stores and supplies. At its peak, the camp had almost 3000 people which meant 20 to a room. Balconies and kitchen corridors were crowded with refugees—the new born, the sick, the old and the injured—but at least it was shelter.

For all the absence of the police and the ensuing nightmare in Trilokpuri, SHO Daryao Singh showed he was of a different sort. He had sent his men to rescue the living on the 3rd and had brought them to his police station without any instructions from higher authorities.

It was in the midst of this that we arrived at Farash Bazar at 7 p.m. A baby had just been born in the grounds behind a truck, an old man with a cracked skull, surrounded by his wife and five small children sat dazed in the drive way. All shivered with fright and lack of clothing, many clutched on to us screaming and crying. All we could do with one doctor, two young students and a handful of us was to arrange everyone into the rooms, and pass around biscuits and candles,

dress wounds, diagnose medicines, carry injured bodies, calm the hysterical and make arrangements with the people of the neighbourhood to prepare the morning tea for the refugees.

On November 4, we organised rations, a team of six doctors and collected outsized cooking vessels from tent houses. A team began work immediately on an aspect which proved to be of utmost importance—the listing of people (men, women children, babies) in the camp, in each room. We compiled lists of missing persons and identified those needing immediate medical attention. We distributed rounds of clothes as they came in—one piece each, then sets each with extra woollens for the children, elderly and sick.

Everyone of the 3000 refugees had spare clothes, soap to wash off blood stains, a hot meal, drinking water and tea by the end of the second day (November 5). On the third day a camp officer, a senior official, a magistrate on duty, the Municipal Corporation and the Red Cross arrived. Last but not least, unwelcome visitors such as the SHO of Kalyanpuri and Rampal Saroj whom the refugees immediately identified as being among their attackers were also seen in the camp.

The bulk of the refugees in the camp were from 32 of Trilokpuri. The rest were from Blocks 12, 13, 14, 18, 19, 21, 27, 28, 29, 30, 31, 33, 34, 35 and 36. As it happened they were all accommodated in the two blocks of the residential police colony, numbered 1 to 9 by us. In the front building were residents from Nand Nagri, Vinod Nagar, Kalirpur, Brahmpuri, Pratap Nagar, Kalyanpuri, East Vinod Nagar, Jwala Nagar, Shakarpur, Sanjay Colony, Old Seemapuri, Lakshmi Nagar, Babarpur and some families from Trilokpuri. In the rear building of the stations were residents of 30, 32 and 34 blocks of Trilokpuri, sometimes 15 to a room. Three widows with their many children had decided to huddle together that first night. Above the main 'thana' were two large dormitories and a small room where 25 families from New Jwala Nagar, Biswas Nagar, Shakarpuri, Bholanath Nagar and Farash Bazar had been brought to safety by SHO Daryao Singh although there was no burning and looting in their areas—only fear and tension.

Rehabilitation and Resettlement

For the victims of Trilokpuri who cannot conceive of returning to the graveyard where their assailants will continue to be their neighbours, a policy of *relocation* is imperative. In a meeting of representatives both men and women, from all blocks in the camp, we formulated a proposal based on the most important features that emerged, namely (a) that they did not wish to leave Delhi (b) that they were willing to live in a fully integrated manner with Hindus as long as they were not of an economically lower status (c) that they were willing to give us their Trilokpuri plots in exchange for a flat or plot of land of equal value (d) that they did not want a separation of the widows from the rest of the community.

In response, the policy makers speak only of widow rehabilitation. Their future is as uncertain now as they reached the camp. They need a home to call their own, and a pension to supplement the income they may receive from assorted job offers. They will have to overcome illiteracy learn some skills, find employment in factories, offices, balwadis, hospitals or learn to run a small shop or own an auto rickshaw which their young sons can learn to drive.

They need comfort and hope, and the presence of the remaining men in their community to help them care for their innumerable children, aged in-laws and perhaps even remarry. This cannot be done in widow's homes. The administration fears the emergence of Sikh ghettos if they offer alternate plots of land yet Pamposh Enclave in South Delhi is a Kashmiri Ghetto, Chittaranjan Park a Bengali 'ghetto' and block 32 Trilokpuri was already a Sikh 'ghetto'. Do we want widow ghettos too?

The disbanding of other camps and the consequent distress of those who were forced to live by the roadside near their damaged houses impelled us to petition the

Contd. on p. 9

Refugees in their own country? We give below the approximate number of refugees and refugee camps in Delhi as on November 6, 1984.

Camps	No. of People
(1) Gandhi Memorial School and Shyamlal College, Shahdra	12,000
(2) Nanaksar Ashram, Wazirabad	3,500
(3) Hari Nagar Ramgariah Gurudwara C Block	500
(4) Subhash Nagar Gurudwara, Hari Nagar	800
(5) Gandhi Nagar New Main Police Station	2,500
(6) Farash Bazar Police Station	2,500
(7) Durgapuri Gurudwara, Loni Road, Shahdara	1,800
(8) Shakarpur Radhu Palace School	2,500
(9) Gurudwara Pandav Nagar	500
(10) Punjabi Bagh : Police Station and Rani Bagh Secondary School	6,000
(11) Ludlow Castle Model School, Civil Lines	5,000
(12) Gill Farm, Kalkaji	1,000
(13) Roop Nagar	1,000
(14) Sadar Bazar Gurudwara, Delhi Cantt.	2,000
(15) S S Mohta Singh School, Janakpuri A Block	1,800
(16) Moti Singh Puri Air Force Station Gurudwara	800
(17) Moti Bagh Gurudwara	1,500
(18) Fatehnagar Gurudwara near Tilak Nagar	800
(19) Mata Sundri Gurudwara	1,500
(20) Sabzimandi (800 families)	4,000
(21) Jyotinagar	500
(22) Bala Sahib Gurudwara, Ashram	4,000
(23) Rakabganj Gurudwara	2,000
(24) Hansraj School, Krishnanagar	200

Compiled by PUCL Delhi

(At no stage the official machinery undertook a census of the number of refugees.)

The Trans-Yamuna Carnage : A Report From Nanaksar Ashram

Nagrik Ekta Manch

A very large and disturbingly vocal cross-section of people in Delhi and, indeed elsewhere, have described the violence as a natural upshot of what has happened in the Punjab in the last couple of years. Is violence unnatural when crackers are burst and sweets distributed at the death of the prime minister? If such things were done, they were acts of gross vulgarity but if one were to burn people for vulgarity, one doubts how many of us in India could remain alive. No act of vulgarity and no amount of barbarism in the Punjab can justify a sixty year old, god fearing man into a blazing human torch. It matters little whether the killed, the burned, the beaten to death wore their hair long or short; whether they kept beards or were clean shaven; whether they worshipped in temples or in gurudwaras. They were simply people, innocent people, whose houses were looted, vandalised and put to flames, whose menfolk were humiliated and then burnt alive and whose womenfolk were either raped or thrown to the streets by mobs that had long since lost their last semblance of minimal sanity. This is a story of these people.

How it All Started

Nanaksar Ashram is a sleepy idyllic little place a furlong away from the Wazirabad Wier that crosses the Yamuna a little ahead of the Timarpur bypass, some 5-6 kilometres north of the Inter-State Bus Terminus. Shrouded by eucalyptus trees and well off the main road, a visitor could easily pass the ashram by. In normal circumstances, the ashram caters to purely spiritual needs—kirtans, paths and discussions on the Holy Scripture; it chose to remain away from politics to the extent that newspapers were (and are still) not allowed in the premises. From the evening of November 3, 1984, it got transformed into a massive refugee camp. Into its compound flowed Sikh refugees from Nand Nagari, Yamuna Vihar, Bhajanpura, Khajori Colony, Gamri, Maujpur and parts of Ghonds—people who fled for their lives leaving behind their smouldering dead and their burnt out houses. Volunteers from the *Nagrik Ekta Manch* managed to piece together information from no less than 2,000 of the 3,500 refugees to reconstruct the story of the violence that erupted in these areas from the night of October 31.

It is now beyond a trace of doubt—for it matches with the reports from all other trans-Yamuna relief camps that much of the violence and havoc wrecked upon the Sikh populace residing across the river was pre-planned and pre-meditated. This is not to deny the element of spontaneity. What needs to be stressed from the very outset is that the violence was much less spontaneous and a great deal more preplanned than what most people believe. To say that the mayhem in the trans-Yamuna area was entirely the handiwork of lumpen elements—who had spontaneously ignited at the news of Indira Gandhi's murder—is a violent and callous transgression of truth. And the persistence of such untruths will only aid in shielding the real culprits and butchers from the eyes of law.

This is a reconstruction from the evidence of people who lived in only a tiny segment of the entire trans-Yamuna area. Though the story is specific to Bhajanpura, Nand Nagari, Gamri, Khajori Colony, Maujpur and Yamuna Vihar, there are commonalities with other parts of trans-Yamuna as well. What happened was, more or less, as follows:

1. On 31st evening, local level *mohalla* leaders—almost universally Congress (I) hoodlums—called meetings in their respective areas to chalk out plans for extracting vengeance from the following morning. In the Khajori-Bhajanpura (C Block) Gamri area (a geographically contiguous belt) the mastermind was one Kadam Singh, a Gujar by caste, who is the Chairman of the Khajori Village Panchayat and very much a Congress (I) rough-neck. According to several accounts, all painstakingly corroborated and cross-checked by the *Nagrik Ekta Manch*, Kadam Singh called a meeting in Khajori Village on 31st night. Here he made groups of 10 or more people each for supervising destruction that was planned for during the following days. The focus is on Kadam Singh not for want of other names but because his actions typify the role of local level, politically affiliated thugs in period October 31 to November 3.

After the meeting, Kadam Singh aided by his son Ajit—'Rationwalla' and one of his henchmen, Jai Singh a Phari kerosene depot operator who has a shop in the Khajori Colony market, made an exhaustive list of local Sikh families who were culled out for the arson, looting and murder that ensued from mid-morning of November 1. In the process of list making, these three were ably assisted by Rajbir Singh, the principal of Bhajanpura's Jan Kalyan Vidyalaya, who brought out his school register for identifying Sikh households.

Throughout the trans-Yamuna area, and in the catchment area that accounted for refugees in Nanaksar in particular, the role of Cong. (I) politicians and hoodlums in identifying Sikh households, mobilising hoodlums for mayhem and supplying fuel for arson stands out very sharply.

2. On the morning of November 1, and in some areas, even on November 2, two people Kadam Singh and 'Tunda' Jain the owner of Jain Srinagar Sadan which stands in the Bhajanpura Main Market, went from door to door of Sikh houses in Khajori Colony, Gamri and Bhajanpura marking them thus; S, X, (X). In a manner reminiscent of Nazi Germany, the houses were thereby marked for arson, looting, and murder that followed within a couple of hours. Through the days of the 1st to the 3rd, kerosene was only supplied directly from depots but Jai Singh, Girish, Kuldeep and Sajan Singh also went with mobs, carrying tins of kerosene in rickshaw carts. Who paid for such a wide distribution of kerosene remains a question for it is difficult to believe that precious hoarded stock would be altruistically and freely distributed for arson. It is also worth noting that the violence occurred on the first three days of

November—a time when depots are fully stocked up for distribution during the first fortnight of the month.

3. Having drawn up the list and marked the houses, all that was needed to incite the mob was to play upon Mrs. Gandhi's assassination and spread rumours about wild Sikh jubilation. As far as it can be ascertained, all reports of the Sikhs in the particular area dancing *bhangras* and distributing *mithai* were based on hearsay evidence. Even if some of these reports have any substance, they certainly cannot justify the horrible and brutal carnage that ensued. Another piece of news that was made political capital of, and served to trigger off the mob, was the utterly insane statement made by the head priest in Amritsar which was prominently displayed in the newspapers. Kadam Singh certainly made fiery speeches over loudspeakers and his final exhortation always was '*Jaagte raho, Lootte raho, marte raho*'.

4. What happened thereafter was sheer, unspeakable horror. In a space of two and a half days, among the families who took refuge in Nanaksar, 155 people have been slaughtered. These numbers, which are but from a single camp that gave refuge to a small neighbouring populace, make mockery of the Government's estimates of the deaths in the capital. 45% of those killed were from Nand Nagari, most of whom were from Block A/3—the Punjabi Mohalla and Block E. Gamri and Bhajanpura—mostly C Block—accounted for another 30%. The dead left behind them 107 widows, 72% from the ages 20-45 years. Not surprisingly, Nand Nagari accounted for 40% of the widows while Gamri and Bhajanpura claimed another 31%.

5. How did they die? The vast majority of them were finally burnt but not, as a six year old girl by being trapped in a blazing house. They were first dragged out, then beaten to an inch of their lives, their beard and hair was shorn, they were rolled in gutters and then, when almost unconscious, either thrown to the flames or burnt by first dousing kersone and then igniting limb by limb. All this was done in the presence of the womenfolk and children under 10. When they attempted to rescue their relatives, they were beaten. Some were raped. In atleast one instance, after killing the men, the mob gang raped a young girl and then stuck an iron rod up her vagina. She is still under a semi catatonic trance.

The following pattern emerges from the experience of the refugees.

(1) A level of planning was much more detailed in the ghastly attack than what people have originally believed.

(2) The violence was not done entirely by lumpen elements of the trans-Yamuna area.

(3) There was considerable hand of people affiliated to the Congress (I), atleast at the local level.

(4) The caste group that preplanned, incited, and often participated in the violence in a manner bordering on the meticulous were the Gujjars, who have for long been hostile to the Sikh populace.

(5) Because the frontliners were often the lumpens, there is a great deal of resentment about the *bhangis*.

(6) While in most cases roles changed—the informers also looted and the looters also killed—some managed to orchestrate things from a distance, e.g. Kadam Singh, Munshi and Rajbit Singh.

Those who Remain—The Story in Nanaksar.

At its beak, there were some 502 families that had taken refuge in Nanaksar, which translates to roughly 3000-3250 people. The volunteers of the Nagarik Ekta Manch have watched with growing admiration how the Swamiji of the Ashram, alongwith two people, Mr. Sharma and Kanwalsahib, and perhaps three dozen *sevadars* managed enormous *langars* and allocated sleeping area in a magnificent manner. After exchanging notes with other camp groups, it became clear that the Ashram had probably the most efficient internal organisation to distribute food and shelter. If the Manch volunteers have succeeded to any extent in Nanaksar, a very large part of the credit goes to the Ashram itself. Working there has been and will continue to be a pleasure.

As anywhere else, the most pathetic and pressing cases have been the 107 widows. One has to only meet Harbans Kaur (name changed), whose husband and four sons were killed, and see the tragedy etched along the wrinkles of her face. Or for that matter, two young widows, both under 25, each having a baby two weeks old without a single earner to feed them. Or the women who was married four months ago or the lady who is heavy with a child who will never see his or her father. Or Amarjeet (name changed) a 15 year old girl who has been orphaned.

Table 1: Age-wise Distribution of Widows in %
Nanaksar Ashram

Age Group	Percentage Distribution
15-20	0.50
20-25	17.00
25-30	16.00
30-35	15.00
35-40	11.00
40-45	13.00
45-50	9.00
50-55	7.00
55-60	1.75
60-65	5.00
65-70	1.75
70+	4.00
TOTAL	107 (100.00)

A group of volunteers devoted themselves exclusively to the widows and others who fear to return home or have no homes to return to. It can be said that the volunteers know every widow in Nanaksar by face and and by name. The relationship that has developed and will continue to grow with these utterly unfortunate people is one in which we are, quite simply, friends, neither are the widows thought of as repositories of information nor do they think that the Manch volunteers are here to glean data out of them. In the course of the

second week, indepth discussions have been carried out with each such person, typically by a person that the individual widow is more fond of, to assess their skills, the kind of work they could possibly do, whether they want to return home or go elsewhere and in general, the kind of help they need other than friendship. Similar discussions have and are being done with others whose houses have been gutted or who do not have a place to return to.

Those who Remain—The Problem of Rehabilitation.

Compared to rehabilitation, the problem of relief pales into insignificance. There is the problem of fear, the problem of apprehension, the problem of memories

Table 2: Widows—Where They Came From

Area, Locality	Percentage Distribution
Nand Nagari	40.0
Gamri	21.0
Bhajanpura	10.0
Jagjit Nagar	7.0
Yamuna Vihar	6.0
Khajori	4.0
Ashok Nagar	3.0
Sunder Nagari	1.5
Vijay Park, Maujpur	1.5
Miscellaneous	6.0
TOTAL	107 (100)

the problem of nowhere to go and no income to earn. The magnitude of the problem comes out in a single incident that occurred during the week starting Monday, November 5th. A young widow sneaked out of the camp and went to the Yamuna and attempted to commit suicide by drowning. That is essentially the mind that has to be aided in rehabilitation.

To begin with, almost every single widow refuses to return, and very justifiably so. This does not mean that most of them want to go to the Punjab. Many have been in Delhi for years and do not have close enough family ties or relations on whom they can make impositions in the Punjab. Widows are not the only ones reluctant to return to their areas. Those whose houses were gutted and saw the worst horrors of mob frenzy have no desire to relive them in their localities. In Khajori and in Gamri as well as C Clock Bhajanpura, people fear Kadam Singh, Jaina Gujjar, Kesri Jaggi, Tunda Jain, Khemu Gujjar and wish to have no truck with them. In Nand Nagari, no one has returned to A 3 Punjabi Mahalla as of 19th November because, in nine cases out of ten, the houses that remain are merely burnt out facades.

If they do not want to return, where do they go to? It is clear that the amount disbursed by the Government

GOVERNMENT TALLY

2717 persons were killed or burnt alive in the November 1984 riots in various parts of the country, of which 2146 were in Delhi.

Home Minister in Rajya Sabha
Indian Express Jan. 24, 1985

can help in no way at all. For instance, if a person has escaped death and his house has been totally burnt, but with the roof not having caved in, all that he gets is Rs. 5,000 on State account. Even if he wants to return, this would not suffice for even wiring cleaning and replastering the house.

Obviously the more serious problem is with the widows. In fact there would be two main problems, those of insecurity and income. Taking the second problem first, it is clear that with the pittance that they have got as the price of life and livelihood lost, the money will peter out in no time. According to the Nanaksar experience alone, 77% of the widows have no earning members left and have to feed, on an average, some three mouths. In many places, the widows have indicated special skills, particularly sewing and knitting. It would be a good idea if the aid agencies and banks give loans at very concessional terms to set up such cooperatives—according to charters determined by the widows themselves—to purchase equipment. Thereafter either the Delhi Administration or the Government can supply them raw material and take the finished product, made according to market specifications, for which they be given conversion payments. The goods can be sold in Government emporia or through other marketing outlets.

As for as the overwhelming problem of insecurity is concerned, the answer is both simple and complex. There can be no viable macro solutions to this problem. What it needs is a moral commitment of every single one of us to take the responsibility of 4 to 5 such widowed families for atleast the next half a decade. We will have to spend some part of our time per week with them wherever they are in Delhi and help them whenever they need assistance. This might mean getting them ration cards, arranging for death certificates, helping them to move in, helping the children with their homework, getting the aged one kerosene, getting people jobs, liaising with mohalla people on their behalf, going to their festivals, inviting them over for ours, arranging the daughter's wedding, advising them on financial matters, laughing with them, crying with them, drinking tea with them, playing with their kids, sharing our lives with them to a point when they see us coming down the crooked lane they know that here is a friend. Without this rehabilitation is word for drawing room conversation. □

PUCL Memorandum to The Chief Election Commissioner

Following the brutal communal riots in Delhi and North India on 31 October, 1, 2, 3 November, 1984, there was widespread fear that the Sikhs would be prevented from voting by workers of a political party. On behalf the Peoples's Union for Civil Liberties, V.M. Tarkunde, Rajni Kothari, Inder Mohan and George Mathew met the Chief Election Commissioner R.K. Trivedi and presented a memorandum. The text :

The People's Union for Civil Liberties is a non-party organisation working for the protection of civil liberties and democratic rights of the citizens of India.

We are of opinion that the ensuing Lok Sabha election on 24 and 27 December being held immediately following the assassination of the Prime Minister Mrs. Indira Gandhi and the unprecedented violence which followed resulting in the death of thousands belonging to a particular community, must be handled with utmost vigilance and sensitivity. The fact that the elections are taking place on time, in spite of the traumatic political events, speaks volumes for the democratic tradition and health of our polity. But the tragic events which took place in the capital have shaken the faith of the citizens in the law enforcing machinery.

In this context, we would like to bring to your notice the strong feeling among minorities and weaker sections in general and the Sikh community in north India in particular that they would be prevented from exercising their franchise by fresh eruption of violence and intimidation. Since this has become a talking point among the people, the PUCL requests you to take the necessary measures to instil confidence in the minority community. The victims of the recent violence in Delhi have been adversely affected mentally, physically, socially and economically and no effort should be spared to ensure

that they exercise their voting rights fearlessly.

We request you :

- (1) to use the mass media to assure the citizens that the election commission as an independent body will do everything to protect them in their voting ;
- (2) to issue a warning to all anti-social elements and criminals that if they attempt to disrupt peace and harmony under political patronage, they will be strictly dealt with in accordance with the due process of law ;
- (3) not to put on duty, known communal and partisan officers during election and the days prior to it ;
- (4) to appeal to the 'affected' citizens to exercise their right to vote without fear.

As you know, many crisis and tragedies could be averted with timely action, taking the cue from the emerging social trends. The whole world is watching the largest democracy in the world going to polls under critical conditions. We hope you will make special arrangements to see that this election is conducted in a free and fair atmosphere. □

Contd. from p. 5

Delhi High Court not to disband camps if the people did not wish to leave and the State could not guarantee their security. (Civil Writ Petition No. 2595). The Court directed that the inmates should not be forced or compelled to leave (CM No. 3769/84 dated November 16, 1984). The refugees were able to rest without fear of eviction and muster a sense of psychological stability. They now await a decision on their proposal for resettlement while classes for the younger children and schemes for the psychological and occupational rehabilitation for women and self employed men are underway.

A Telling Lesson

The first and most significant indication of the need for psychological rehabilitation came from the men in the camp on November 4th in the form of a demand for turbans. After losing everything and undergoing the most gruesome experiences, it was this symbol of their identity that they saw as their foremost requirement. The shorn and beardless men appeared naked and embarrassed and needed this piece of headgear to cover their humiliation.

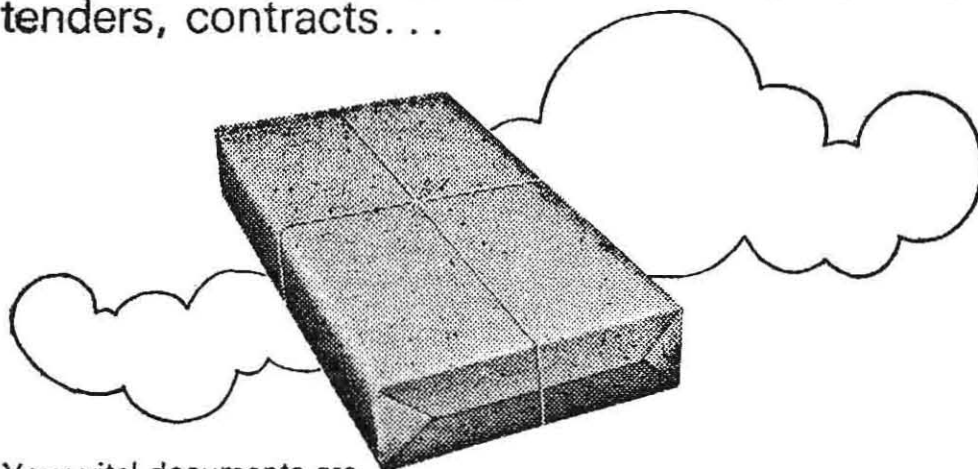
Late one evening a tall, handsome autorickshaw driver showed us his photograph taken prior to the riots

and recounted his story. "I hid in a tin trunk in my neighbour's house for two days. They begged me to save their lives and mine by cutting off my hair and beard. Finally, with tears flowing down my cheeks, I did. Today is the sixth day that I have not been able to look at myself in the mirror". We distributed over 500 turbans with special care and respect, knowing the inadequacy of this gesture in terms of long term actions required to do away with the deep injury inflicted on their psyche. An elderly Sikh gentleman who came to distribute a mere 40 turbans at the camp a month later made a strange remark. He said he did not wish to distribute them to those who did not intend to grow their hair again as these turbans would go waste. We persuaded him not to take such matters into account for our hope was that everyone would have the courage and pride to be a Sikh both outwardly and inwardly.

The administration and the State must understand their responsibility in removing the deep hurt. No amount of voluntary agencies or sectarian groups can or should attempt to fill the gap exclusively. The ruling party and the bureaucracy that serves it should symbolise the attitudes of justice, secularism unity and humanitarianism and not the short term gains of electoral politics. As of now, they have been found wanting □

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Bhopal : City of Death

Delhi PUCL President Inder Mohan Participated in the Gas Victim's Rally in Bhopal. He writes :

3rd January, 1985, was a very cold day. The morning was particularly piercing. Zaherili Gas Sangharsh Morcha, a non-party organisation had given a call for a procession to be followed by a protest demonstration at the residence of the Chief Minister. This call had been given to highlight the demands and sufferings of the gas victims as well as expose the role of the Govt. and the management of Union Carbide factory, in the entire sordid affair.

Anil Sadgopal, Vibhuti Jha and Alok Partap Singh active organisers of the morcha and representative of PUCL from Delhi who was asked to participate were keeping their fingers crossed regarding the turn out of the people.

Prior to this, on 1st January, another big demonstration organised by citizen's Committee for Relief and Rehabilitation had already taken place. Tapan Bose and Subasini Mullay from Delhi who have earned a name in producing documentaries and films on significant events and human tragedies, in addition to their similar mission in Bhopal got themselves fully involved in this Committee as active participants.

As the day dawned, the gas victims including residents of Jhuggis in the vicinity of Union Carbide factory and its employees began to assemble in large numbers at Chola Naka and outside the factory itself, inspite of biting cold weather. They were holding banners, placards, shouting slogans while marching in a disciplined manner on the eight kilometer route through the heart of the city.

Inspite of being low in health due to untold miseries caused by human failure, they were high in spirit and determination to fight for their rights and restoration of human dignity.

As it always happens, the procession was stopped by a heavy contingent of police at some distance from Chief Minister's residence. The people squatted there and the procession got converted into a huge public meeting cum protest demonstration,

A memorandum covering relevant demands of the people was read out and unanimously adopted at the meeting.

The speakers representing the people and the Morcha claimed that official compensation to provide immediate relief to families had not been paid to a large majority of the Gas Victims. Those few who were paid something were subjected to corruption and malpractices. They got much less than the actual amount sanctioned for them even though they were made to sign or put their thumb impressions for the full amount. Such 'volunteers' who exploited the miserable ones belonged to the ruling party. Hundreds of families who had either lost their earning members or had been rendered jobless were starving.

Medical relief organised by the State Health Authorities was far too inadequate. The role of doctors as such was commendable who had to perform their duties under tremendous pressure and strain. Large number of people were continuing to suffer from the aftereffects of gas leakage and the complications were serious. Failure of lungs, kidney, respiratory system, blindness, unbearable head and body aches had rendered thousands of people disabled and incapacitated. How are they and their families going to survive? Will they survive at all?

The Govt. which had been engrossed in electoral battle earlier and has been intoxicated by its victory now, is only creating false illusions and hopes through its controlled media. Official Legal or medical aid had virtually been reduced to a force.

Speakers on behalf of the Sangharsh Morcha stressed that their objective was to bring to light all the ramifications of gas leakage tragedy, covering environmental, scientific, medical, legal and all other aspects of human rights. They accused the Govt. as well as the factory management of being equally guilty for this ghastly but avoidable tragedy. Now, according to the speakers, the Govt. and the factory management were suppressing facts and spreading misinformation deliberately.

The PUCL spokesmen from Delhi, while addressing the gathering stressed the need for creating a country-wide awareness particularly among the workers and all other residents who work for or live near industrial units causing and emanating deadly pollution. Such an awareness could and should eventually lead to an all India movement. He assured the gas victims of Bhopal of full solidarity and support of PUCL in their struggle for human rights. □

Two Important Pamphlets on the Bhopal Tragedy

1. Bhopal GAS TRAGEDY

by

Delhi Science Forum

B1 II Floor, J Block

Saket

New Delhi-110017

Phone : 665036

Price : Rs. 3/-

2. Bhopal : A PEOPLE'S VIEW OF DEATH, THEIR RIGHT TO KNOW AND LIVE

by

Eklavya

E1/208, Arera Colony

Bhopal

Contributory Price : Rs.3/-

Bhopal Gas Victims Need You

Tapan K. Bose of the Bhopal Citizens Relief and Rehabilitation Committee Reports From Bhopal ;

In Bhopal on the 3rd December 1984 thousands of innocent people were killed in the worst ever industrial disaster. But an even greater disaster is taking place due to the apathy and corrupt practices of the State Government.

Everyday about 250 people report to Hamidia Hospital in the City for treatment. They have serious respiratory, bronchial, cardiac, gastric, neurological and musculoskeletal problems. The Iswar Das Committee set up by the State Government has declared that these patients who are still reporting for treatment are not the victims of MIC exposure but the patients of chronic disorders.

The patients who were taken to KEM Hospital in Bombay have shown that Met-haemoglobin at 2.0% is a very high level in the blood of those who had even a mild exposure to MIC. Met-Hb Content in the blood of those who live in the most polluted areas of Parel and Lalbagh in Bombay is 0.2 percent. According to the KEM doctors this high rate of Met-Hb content in the blood of gas victims is reducing the capacity of blood to combine with oxygen. Carbox-Hb content in the blood is also very high. KEM doctors also feel that the patients can develop serious complication involving liver, heart and brain.

In Bhopal, the Government has not yet shown any desire to take up large-scale clinical examination of the people exposed to the gas. Till 2nd January in the Janata Hospital in Bhopal 122 still born babies were delivered by gas-affected women. About 12 babies had expired within 2 hours of their birth. Dr. Manna has stated to have found at the Indian Science Congress in Lucknow damage in the brain membrane of still born babies.

Any visitor to the effected areas can see how much suffering still exists. Yet Dr. Iswar Das, the Health Secretary of M.P. Government has not visited the affected areas till date.

For the past 7 days, more than 300 people are still sitting on Dharna outside the residence of the Chief Minister of M.P. in the bitter cold. They are asking for some cash relief. The seriously effected areas are inhabited mostly by daily wage earners. For the past one and half month, they have had no work. Whatever cash and material resources they possessed have been exhausted by now. Today they do not even have cash to pay for the crushing of the wheat ration they are receiving from the Government. They have no money to buy fuel let alone pulses vegetable etc. The Chief Minister has refused to grant any cash to the families in these areas. He says only those who were seriously affected will get cash relief. This attitude is wrong. The Government has systematically destroyed medical records by not giving proper case histories to the patients. After two weeks, the prescriptions did not even mention anything about gas poisoning. Till date no scientific survey has been done to determine the effect of this gas on the people of Bhopal

In the most unscientific and arbitrary manner various areas are being dubbed as TB, Jaundice and asthma endemic areas. It is therefore, obvious that they do not even plan to pay any cash relief to those who were so called seriously affected. Whatever the people of the affected areas have got from the State Government till date in terms of wheat, milk and rice is through agitation on the streets, eg., demonstration by gas poison victims in Bhopal on 18th and 19th December in front of the Chief Minister's house and Governor's house, road blockade for 8 hours by 5000 victims on 1st January 1985 and finally the rally and Dharna in front of Chief Minister's house since the 3rd of January 1985.

All this convinces us that the State Government and the Central Government who have maintained a curious silence on the Bhopal tragedy till date have succumbed to the pressure of the Multi-national Union Carbide Corporation. The Government is trying its best to show that the damage was minimal. They have even manipulated the number of the dead. The damage to vegetation and pollution of air and water was not given any serious thought by the Government agencies at all.

Lakhs are dying in Bhopal. We do not know what the future holds for the children who are yet to be born. The State Government and the multi-national Union Carbide are guilty of mass murder and perpetuation of a genocide. We appeal to all citizens of the country to come to the aid of Bhopal and save the suffering humanity. □

Protest March in Madras

A protest march was organised on December 14, 1984 from Napier's Park to Union Carbide office on Mount Road and USIS to condemn the gas leak tragedy at Bhopal. Citizens of Madras including professionals, scientists, lawyers, artists, representatives of trade unions and students of the city colleges participated in the march. A memorandum was presented to the Union Carbide. The text :

We the citizens of Madras belonging to various sections like Scientists, Professionals, artists, Social Workers, lawyers and students in a state of shock have the following to state :

1. We condemn the gas leak incident in your Bhopal plant that consumed the lives of a few thousand of our countrymen and blinded, disabled or impaired the health of a few lakh people, besides causing incalculable harm to animal and plant life.

Contd. on p. 13

IN THE NEWS

WHO ARE THE GUILTY ?

This study prepared by the People's Union for Democratic Rights and People's Union for Civil Liberties was the first authentic report on the widespread violence in Delhi from October 31 till November 3, 1984. Khushwant Singh commented in his column in the Hindustan Times (19-1-85) :

"We have not heard the last word on the widespread violence following Mrs. Gandhi's assassination. Any attempt to sweep its murky details under the carpet in the hope that everything will be forgotten and forgiven will prove counter-productive. So far we have two reports on what transpired. Both have been compiled by men whose integrity is beyond cavil. One is a joint effort by the People's Union for Democratic Rights and the People's Union for Civil Liberties headed by Dr. Rajni Kothari entitled *Who are the Guilty ?* It is a damning indictment on the Delhi Administration and has names of several political leaders in the list. The

second report is by the committee headed by retired Chief Justice of the Supreme Court, S.M. Sikri".

A contributor to the *Sunday Observer* (Bombay) wrote : "A massive movement to cleanse our minds and our body politic is needed to restore dignity and our moral health. *Who are Guilty ?* may, I hope act as a detergent of the Indian spirit. The power-drunk rulers may put their conscience to sleep, but they stand condemned and arraigned in the eyes of the entire civilized world. An outrage of this magnitude calls for a global outcry. It's for the world human rights groups to take up this issue now."

Contd. next page

Mysterious Death at Kalpakkam Atomic Energy Township

The Nuclear Power Plant of Madras Atomic Power Project is well known to all but the township of Department of Atomic Energy at Kalpakkam is little known. It has about 3,500 Government quarters where people of various categories live in. It includes a substantial number of scientists and operating engineers. It is a closed community. The welfare and the amenities are looked after by the township authorities. The township is existing for the past one decade.

There have been several unnatural deaths occurring in this township. In fact during the past one decade there have been about 25 deaths. Surprisingly, none of them seem to have been properly investigated. This could be due to the negligence of the police, township authorities and the indifferent attitude of the residents. In some quarters it is even believed that Kalpakkam is a safe place for any mischievous activity. On 3rd June '84 a lady employee of Kalpakkam died under mysterious circumstances. Realising that there is scope for foul play Kalpakkam Human Rights Organisation submitted a petition to Inspector General of Police, Madras. Simultaneously a petition was also submitted by working women to the local police stations. We regret that no sincere investigation was conducted even after these representations were made. Government of India had given protection to women who die within ten years of married life, by making a special provision that any unnatural death should be investigated by a DSP and the post-mortem of the body should be conducted by two independent authorities. We even reminded I.G. of Police by a letter dated 13.8.84 but this was of no avail. □

—Kalpakkam Human Rights Organisation

Contd. from p. 12

2. We state that this was not an accident, on the contrary it appears to be an anticipated disaster. There have been several accidents earlier in your Bhopal plant resulting in deaths. IN 1975 THE PLANT RECEIVED A NOTICE ORDERING REMOVAL.

3. The safety measures taken at your Bhopal plant were transparently not the same as those taken at your West Virginia plant. Locating this plant and indulging in the manufacture of lethal chemicals in a thickly populated city is typical of the callousness and sub-human apathy of multinational companies like yours towards the people of the third world.

4. We state that you are directly responsible for the deaths, suffering and misery of our people at Bhopal. We therefore demand that you give adequate compensation to the victims of the gas leak speedily.

5. We demand that you stop production of dangerous chemicals and pesticides that is banned in your country.

6. We demand a statement of disclosure about what exactly was being manufactured at your Bhopal plant. We have reasons to suspect that your Bhopal plant was indulging in production and research on chemical weapons. Under these circumstances we demand that you give representation to the local people in committees.

7. We condemn this massacre at Bhopal which was avoidable but for your callousness, arrogance and sub-human greed for profits.

8. We also wish to inform you that we are issuing a call for a national BOYCOTT OF EVEREADY torches and cells till adequate compensation is given to the victims of Bhopal. □

Meanwhile a defamation notice from one of those mentioned in the booklet has been received by the PUCL and PUDR. An editorial attacking PUCL appeared in Patriot (15-12-1984). Mrs. Tajdar Babar, President of the Pradesh Congress (I) Committee issued a press statement calling the PUDR-PUCL report "a pack of lies". The Times of India (17-11-1984) reported.

She (Mrs. Babar) pointed out that Sikhs in Delhi have been Congress supporters. The Congress put up 14 Sikh candidates in the 1983 local elections and 11 of them won. Those who had been killed and those who had suffered in the riots were pro-Congress and Congressmen "It was the Bharatiya Janta Party and others who had a motive against them", she charged.

She asserted that the Congress leaders of Delhi "have been tried" and the Congress has had "a consistent record of abiding faith in secularism, communal harmony and peace." She added that "such false and dirty charges cannot deceive anyone" and that the Congress was not interested in shielding anyone. She claimed that no Congressman had interfered in the work of the administration in regard to action against the rioters.

INDIRA HATERS

Mrs. Babar alleged that the PUCL and the PUDR "have been notorious Indira haters". She said that they had always been anti-Congress and had no standing or credibility with the people. Their sole aim was self-publicity. While a number of Congress leaders visited the riot-affected areas, "these self-styled custodians of the rights of the people were lying in their cosy beds and making plans to utilise the tragedy of the assassination of Mrs Indira Ganchi and the most despicable violent incidents that rocked Delhi and the country for maligning the government and the Congress", she charged.

She said that "in fact, for long they have been propaganda boys of the Opposition, notably the BJP"

Mr. Gobinda Mukhoty, President, PUDR and Prof. Rajni Kothari, President, All India PUCL, have replied to Mrs. Babar's statement :

We are amazed at the provocative statement issued by the Delhi Pradesh Congress Committee-I President, Tajdar Babar, branding our report, "Who Are The Guilty," as the "worst rumour-mongering effort," and warning us that "if anything happens to any of the Congress-I leaders" we would be held squarely responsible for this. Such a threat is tantamount to an encouragement of a direct assault on civil liberties groups which have been fighting all these years to protect the democratic rights of Indian citizens. It is in consonance with this role that we collected evidence during the riots which points to the alleged involvement of members of the administration, police, and politician, including members of Mrs. Babar's own party. From Mrs. Babar's threat we apprehend that the next targets of attack by her party-men and her government will be activists of the civil liberties groups.

Mrs. Babar displays the height of irresponsibility when she accuses us of being "propaganda boys of the Opposition, notably the BJP." Our organizations are not linked to any political organizations. If she cares to read the full text of our report she'll find that among the alleged assailants named by the victims are included some BJP workers also. In a special section entitled Role of Media and Opposition" (Section VII) we have

and noted that "none of the BJP leaders went to the riot-affected areas". She said that the PUCL and the PUDR had chosen to ignore this fact as also the role of the BJP workers in the riots and their incitement of the sufferers against the Congress leaders of Delhi, especially the MPs and the Councillors.

She charged that from all this it appeared that there is a conspiracy to mislead and incite some of the sufferers to use violence against the congress leaders and the two organisations have now made their contribution to the same through false and inciting reports".

She said that if anything happened to any of the Congress leaders, they and such others would be held squarely responsible for this, "As a result of such reports and false rumours, Congress leaders are receiving threats", she noted.

Mrs Babar said that Mahatma Gandhi had been assassinated as a result of a hate campaign carried on against him by various organisations and leaders who were today swearing by his name. Mrs Gandhi too had been assassinated as a result of a conspiracy of a hate campaign carried on against her by a number of elements. She was one of the most democratic leaders of the world and these so-called organisations also carried on a campaign against her democratic rule, and did nothing to condemn what was done by extremists in Panjab, she added. In fact, they remained quiet when some misguided young men raised slogans in Delhi of "Khalistan" after the operation bluestar, she noted.

criticized the role of some opposition leaders during the riots based on the personal experience of members of our fact-finding team.

Mrs. Babar's party seems to be more keen on collecting information about our bedrooms (as evident from her claim about us lying in "cosy beds and making plans to utilise the great tragedy of the assassination of Mrs. Gandhi") than on stopping the massacre of people in Delhi and its suburbs. During our tour of the trouble-spots from Nov. 1-5 we did not find a single Congress-I man making any attempt to prevent the riots. Whenever we tried to contact any Congressman ranging from senior Ministers to local Congress leaders-we found a poor response in all cases, with only one notable exception.

Mrs. Babar alleges that these "so-called organisations" (referring to PUDR and PUCL) "did nothing to condemn what was done by extremists in Punjab." The utter falsity of such an accusation is borne out by our public meetings and statements on this matter.

Mrs. Babar's insinuation that we are inciting some of the sufferers" is a deliberate attempt to divert public attention from the involvement of her partymen (testified to

Contd. on p. 15

UN Convention Against Torture

Govt. of India Must Ratify

The United Nations General Assembly has adopted a new "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". The Assembly, which took its decision by consensus on 10 December—Human Rights Day—first called for the convention to be drafted on 8 December 1977, seven years ago.

The convention was immediately open for signature and ratification or accession. It will come into force a month after 20 states have ratified or acceded to it.

We urge the Government of India to ratify the convention immediately. Excerpts from the text of the convention:

Part I

Article 1

For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether

a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

Contd. from p. 14

by survivors and by the press) to irrelevant facts like the number of Sikh candidates put up by her party in the 1983 local elections. In our report (Sections: Role of Congress-I), we have in fact pointed out that pro-Congress-I Sikhs were also assaulted.

We earnestly hope that senior and responsible leaders of the Congress-I will refrain from issuing abusive threats against democratic-minded citizens and will be courageous enough to be self-introspective and bring to book those who are guilty of the holocaust irrespective of their position and party loyalties.

The Indian Express (10.11.1984) wrote an editorial on this issue:

While the Delhi Administration may feel that it could best honour the memory of Indira Gandhi on her birth anniversary on Monday by organising a mass rally, the appropriateness of its action can be questioned. In several areas of Delhi, tension is still tangible as people displaced by the recent violence return to their destroyed homes and neighbourhoods. At such a time the resources of the administration could have been better used to reassure and settle these people than to mobilise buses and trucks to transport thousands from the Capital and neighbouring areas and shut down factories to enhance attendance at the rally thereby straining the security apparatus just when things are slowly limping back to normal in outly-

ing colonies and other areas where people still feel insecure. The rally took on the flavour of a Congress (I) meeting with the Opposition protesting at being left out. The purpose would have been well served if the powers that be had called a public meeting with all party participation. A partisan approach could have been avoided.

For the same reason the highly polemical statement made by the Delhi Pradesh Congress Committee (I) President, Mrs Tajdar Babar, describing the PUCL/PUDR report on the recent Delhi riots as a "pack of lies", is typical of an attitude that contributes nothing towards arriving at answers to serious and searching questions that are being raised. The PUCL/PUDR have compiled what the affected people have reported about the involvement of local politicians in the brutal attacks on innocent persons and property. If the Congress (I) wanted to clear the names of its workers, it should either have refuted specific allegations or demanded an impartial inquiry, as the PUCL and PUDR have done to establish the facts. Instead, Mrs Babar has insinuated all manner of motives and raised totally irrelevant issues such as these bodies not having condemned the earlier killings in Punjab. This completely evades the issues raised. In the face of the Government's silence, a distinguished citizen's group has set up a commission of eminent persons to report on the violence that rocked Delhi and other places between October 31 and November 4. The truth must be established and the guilty punished as far as possible. □

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases :

- (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State ;
- (b) When the alleged offender is a national of that State ;
- (c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present, shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, to the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found, shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a

serious nature under the law of that State. In the cases referred to in article 5 paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

(Deals with condition of extradition).

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public-officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible.

Contd. on page 17

On Labouring Poor : Recommendations to The Planning Commission

A seminar on 'A Fair Deal to the Self Employed and the Seventh Plan' was organised by SEWA (Self Employed Womens Association) Ahmedabad. Following is the seminar recommendations to the Planning Commission on Labouring Poor. We publish this hoping that the newly constituted Planning Commission will take cognizance of these pertinent suggestions.

A Planning Philosophy

1. The existing schemes formulated by the Planning Commission has not yet reached the labouring poor. It is therefore suggested that the government accept a policy of positive discrimination towards the labouring poor.

2. The Planning Commission has not only to formulate schemes exclusively for the labouring poor but also create a machinery to ensure that the existing and new schemes reach out to the target groups.

3. It is suggested that the only way in which the existing schemes for the poor be effectively utilised and new ones framed is by ensuring a minimum protection against the vulnerability outlined above. This problem can be effectively solved by channelising all schemes of the labouring poor only through recognised bodies representing the interests of the unorganised whether a voluntary association, a registered body or a trade union.

4. The Planning Commission should accept the basic premise that planning for the unorganised should be linked to the organisation of the unorganised. No policy or scheme should be framed that does not accept this principle.

B. Organisational Structures

1. It has been the experience of voluntary organisations that procedures for registering unions and co-

operatives are lengthy, time consuming and sometimes restrictive. The government is asked to streamline rules and regulation and encourage new and innovative forms of organisations of the labouring poor.

2. Schemes for the labouring poor should be geared towards groups and cooperatives and not towards individuals. Individuals remain vulnerable to the larger process. If the schemes are directed via cooperatives efforts can be made to break the vulnerability of the labouring poor and make them achieve human dignity.

3. One of the basic problems in reaching out to the labouring poor is the lack of government infrastructure and personnel to deal with the varied and extensive problems of the labouring poor. The government should increase the number of personnel for managing schemes and policies for the labouring poor.

C Minimum Real Income Policy

1. The labouring poor have barely enough to eat; their bodies are symptoms of malnutrition and disease. Their own productive input fall with the decrease in the quality and quantity of food intake. It is thus necessary that the government as the first step accept a policy which guarantees a minimum real income to the labouring poor. It is also suggested that the government accept and implement nationally the Employment Guarantee Act on the lines of the Maharashtra Employment Guarantee Act as well

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CURB POLICE TORTURE

"Police officers alone, and none else, can give evidence as regards the circumstances in which a person in their custody comes to receive injuries while in their custody. Bound by ties of a kind of brotherhood, they often prefer to remain silent in such situations, and when they choose to speak, they put their own gloss upon facts and pervert the truth. The result is that persons, on whom atrocities are perpetrated by the police in the sanctum sanctorum of the police station, are left without any evidence to prove who the offenders are. The law as to the burden of proof in such cases may be re-examined by the legislature so that hand-maids of law and order do not use their authority and opportunities for oppressing the innocent citizens who look to them for protection".

Supreme Court of India on January 22 '85

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In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibit cruel, inhuman or degrading treatment or punishment or which relate to extradition or expulsion.

(Part II provides for a Committee to receive complaints of torture from various countries and act upon them. The Committee of 10 experts will be of high moral standing and recognised competence in the field of human rights). □

as the Food for Work programme (where food is even given during training) to ensure that the workers atleast obtain the minimum to continue their existence as human beings.

2. Each state has its own policy for determining the minimum wages as a result of which there are many variations in the minimum wages. In order that all the labouring poor get equal benefits, the government is asked to declare a national minimum wage as enumerated by the fifteenth Labour Conference.

D Right to Shelter

1. The government should guarantee the right of shelter to every individual citizen. It should ensure that the unorganised workers have the right to the land to build their shelter as well as the right to support structures like credit for building material to build the shelter. Land should not be seen as a commodity but a resource for all to use.

2. As the constitution guarantees the right to mobility to search for work, the government should ensure that the shelter be linked to the place of work. In this context, it is suggested that the government review the Urban Ceiling Act and rural land transfers to ensure and protect right to shelter.

3. Most of the workers are migrants and need entitlements like ration cards when moving from state to state. In addition to the right of shelter at the place of work, the government should ensure these entitlements and basic amenities to the population.

4. The labouring poor in the urban areas provide basic services to the urban population. Instead of acknowledging their services and guaranteeing shelter to these individuals, the local authorities follow a policy of shifting these population from the city by demolishing their dwellings. It is necessary that the government stop taking such negative measures and provide the rights listed above.

E Health Services

1. Extensive funds have to be allocated to provide for mobile health services which can reach the mass of the population regularly.

F Welfare and Education

1. A special Labour Welfare Board for the labouring poor be set up with higher or atleast equal allocation of resources as given to the organised workers. The Rural Labour Welfare Board set up by the government of Gujarat may be emulated by other states and the Centre.

2. A special provision of grants has to be made for giving education to the labouring poor and this be given to the organisations representing the labouring poor.

G Legal Measures

1. All disputes concerning the unorganised workers take minimum of a year to settle. During the dispute period, the life for them becomes very difficult even leading to starvation. The government is asked to frame a new policy for speedy dispersal of cases and institute mobile courts for this purpose.

2. Free legal aid should be provided to all labouring poor by instituting mobile legal aid services.

H Measures for Urban and Rural Self Employed

1. Most of the sellers of products have to battle with uncertain supply of raw materials, problems of credit, problems of technology and problems of market. The Government is urged to ensure that a package of incentive schemes combining all these issues for specific target groups be devised so that these uncertainties may be diminished significantly.

2. The government is the biggest buyer of goods and services. It should make it a policy to buy goods and services produced by organisations of the labouring poor, e. g. items of food, soap, stationery etc. or services like catering and sweeping.

3. Artisans face great difficulties in procuring raw material like bamboo, yarn, forest produce, scrap of big industries and the like to produce their goods. It was realised that the actual producers should have the first claim to the raw material from the source, before it goes to the open market for sale.

I On Introduction of New Technology

1. The government should ensure that any change in technology or the introduction of new technology does not lead to the displacement of labour. In large scale industries, rationalisation automatically leads to displacement of casual labour, contract labourers and women labourers (e.g. textile and jute industry) or in service industries the hand rikshaws where the introduction of new technology has led to the unemployment of hand rickshaw pullers.

2. If introduction of new technology is imperative then the government should ensure that the displaced workers be given training and jobs in the new production process or given opportunities for different alternative employment.

3. The government should ensure that no new technology be introduced that affects negatively the ecological environment of the country and wherever technology affecting this environment has been introduced safeguards against it be also introduced.

4. No new policy and related technology that affects negatively the continuation of supplies of food, living conditions and the new materials used for producing goods should be introduced, e.g. the introduction of mechanised trawlers for catching shrimp has driven small fishermen into outer seas making it difficult for them to continue their living and working activities.

J On Existing Acts and New Enactments.

1. Existing protective and welfare measures enacted by the government for the labour of the Organised Sector should be extended to the unorganised labour covered under the Contract Labour (Regulation and Abolition) Act, 1970; the Inter State Migrant workmen (Regulation of employment and conditions of service) Act, 1979 and the Bonded Labour System (Abolition) Act, 1979. Also the other acts like the Payment of Wages Act 1936, The Minimum wages Act 1948, Equal Remuneration Act 1976, The workmen's Compensation Acts 1923, The Employees State Insurance Act 1948, The Maternity Benefits Act 1961, The Employees Provident Funds & Miscellaneous Provisions Act. 1952, the Employment of Children Act, 1938, The Children (Pled-

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PUCL NEWS

Report of U.P. State PUCL Convention

The Second U.P. State PUCL conference was held at Dehradun on Oct. 4-5, 1984. Eighty delegates from Agra, Aligarh, Almorah, Allahabad, Ballia, Bijnore, Dehradun, Dhampur, Gonda, Lucknow, Meerut, Muzaffarnagar, Mussorie, Nainital, Nehtaur, Rishikesh, and Saharanpur participated in the conference. In the delegates sessions held on 4th evening and 5th morning at Agrawal Dharmshala and Balbir Sahitya Akademy respectively the delegates gave an account of the organization and activities of the PUCL units in their districts. The activities undertaken included fighting against official and political corruption, exposing the bonded like conditions of Tangia labour, numbering some 1,82,000, in U.P.; highlighting cases of fake encounters in which hundreds have been killed; agitating against the free and widespread sale of illicit liquor and alcohol products in the name of Ayurvedic medicines in Uttarakhand; mining in the hill districts causing ecological imbalance in the region; organization of protest meetings and seminars on issues such as centre's attitude towards Assam, Punjab, Andhra Pradesh; oppression of weaker sections of society; proposed changes in the Constitution; anti-people laws enacted to throttle people's liberties and their right to protest, etc. The speakers also pointed out the terror which the criminals and mafia groups in collaboration with political elements have stricken in society. Such elements were also coming in the way of PUCL activities. The speakers also felt that at a time when politicians and political parties are discredited, people are looking at PUCL with great hopes as an

emancipating social force. Later in the discussion that followed the members suggested activities to be undertaken by various local units of the PUCL such as (1) campaign for early elections of long superceded municipal bodies, (2) campaign against any major changes in the constitution for Presidential system, (3) release of booklets on black laws e.g. National Security Act., Disturbed Areas Act, Terrorist Affected Areas Act, etc. (4) organisation of camps to educate weaker sections on civil liberties, (5) investigation of and campaigns against sale and purchase of women leading to forced prostitution, and against bonded labour and agricultural labour (6) preparing report on encounters and prison condition (7) fight against displacement of the poor living in jhuggies and shanties by mafia in league with the authorities and the rich, (8) radicalization of activities and (9) asking the political parties not to give tickets during the elections to the persons having criminal records or antecedents.

Shri. V.M. Tarkunde Advisor, PUCL, in his concluding remarks, said, that PUCL as a movement is fast growing and so are growing the expectations of the people and hence the urgency of organizing effective district PUCL units. He also reminded the members that the PUCL has to (1) take the spirit of freedom to the masses, (2) intensify the fight for social justice and (3) work for the defence of Indian democracy, the only hope for the Third World, which is now under great stress. Mrs. Nayantara Sahgal, who earlier welcomed the delegates, wished PUCL playing a more effective role as a social

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ging of Labour) Act, 1933 and Industrial Disputes Act 1947 labouring poor and be effectively implemented.

2. Protective and welfare measures be formulated for workers in small industries which are not registered under the Factories Act, 1948, and such acts be enacted so that these workers also get benefits like those of the organised industries.

K Special Provisions for women and Children

1. Industries give employment to women and children who work at home on piece rate wages, from morning to night. Home becomes the work place with the workers expending their own electricity, water, sanitation. The piece rate wages do not account for these services but also make these women and children work for more than twelve hours. In order to restrict this severe exploitation, the government should stipulate a high minimum wage for the home workers. With the ultimate aim that piece rate be discouraged the government has to evolve a long term policy for putting out this system and to ensure that the women come out from their homes to participate equally in the economic activities of the country. However, there should remain a choice for women workers whether to be home based or factory based.

2. The government should help homebased workers to work with dignity rather than make them non-workers.

3. Childcare facility

It is strongly felt that to involve women in the develop-

ment activities, their childcare responsibilities need to be shared by the society. Therefore, childcare facilities should be an in-built programme in every activity, economic or social that engages women. Without creche or childcare facility women will never be able to organise themselves and participate in the development process of the country.

4. The government should ensure that children be given time wages as also a special minimum wage higher than adults to minimise their exploitation.

L On Forest Policy

1. The government has to accept the right of each community to its land and environment.

2. The forest dwellers should have the first right to the forest produce and the forest policy of the government should be consonant with this right.

On Studies on the Unorganised

The problems and the issues of unorganised are not understood as a result of lack of information on the unorganised. There are no systematic studies or surveys and data on the nature and extent of the unorganised in India. The state which is the largest and resourceful collector of information has not yet been able to arrive at a coherent picture of the labouring poor. It is incumbent that the government start gathering information on the unorganised to aid planning of the organised. □

force. Mr. Y.P. Chhibbar, Gen. Secretary of the PUCL in his address advised members to keep the national office informed of their activities and asked the units to further radicalize their activities.

In the afternoon of 5th Oct. a largely attended public meeting was held in M.K.P. College auditorium. In her inaugural speech Mrs. Nayantara Sahgal, President elect of the State PUCL, noted author and journalist, dwelt upon the development which have been threatening the democratic edifice so assiduously built by the early post-Independence leaders. She observed that Cong-(I) has been itching for undemocratic functioning of govt. and has been keen on foisting a highly personalized and imperial style politics—in the Aurangabion style—and imposing a family rule in the name of Presidential system. Mrs. Sahgal reminded the people that if MISA could pave the way for Emergency, the National Security Act, Disturbed Area Act and frequent use of para-military forces and even armed forces for dealing with civil and political disorders can lead to another authoritarian and dictatorial regime. She asked the audience to be vigilant to defend freedom and democracy which are in peril. She also urged to treat women with dignity and fight against oppression and indignities heaped upon them and other weaker sections of society. Mrs. Sahgal also warned PUCL members not to divide the various sections of society in the name of radicalization—an art in which the ruling party specialized.

Mr. V. M. Tarkunde observed that the country was heading towards authoritarianism and the major features of this emerging dictatorial regime were (1) attack on civil liberties through such laws as National Security Act; Disturbed Areas Act; Terrorist Affected Areas Act; Armed Forces (Special) Act; Appointment and Transfer of High Court Judges etc. (2) increasing concentration of power at the Centre, (3) political corruption and (4) vulgarization of democratic institutions. Mr. Tarkunde dwelt at length on the way the political elements and the vested interests have been combining to oppose civil liberty activities and also on how the State itself is emerging as a persistent breaker of laws. He also explained as to how those who talk of national unity are themselves causing disunity. He cited the cases of Assam, J & K, Andhra Pradesh, etc. and observed that the way the Cong.—(I) and its leaders are conducting themselves is conducive to anti-people, anti-party, and anti-national solidarity stance. Mr. Tarkunde exhorted the people, and specially the middle-class intellectuals, to approach masses for protecting democracy and promoting the spirit of freedom among them and also lend support to and participate in the PUCL movement. This meeting which was presided over by Shri Viren Pandey, President of the Dehradun PUCL, was also addressed by Sri. Y.P. Chhibbar, A.I. Gen. Sec. of the PUCL, Mr. Rajiv (Lucknow), and Dr. K.C. Gupta (Meerut).

Following were elected office bearers of U.P. branch :

President	Nayantara Sahgal (Dehradun)
Vice-Presidents	L.P. Naithani (Allahabad) Rajiv (Lucknow)
Gen. Secretary	Dr. K.C. Gupta (Meerut)
State Office address	5 Professor Quarters Meerut College Campus Meerut—250001.

With a view to organise PUCL district units, the state was grouped into five zones with the following Zonal organizers : 1) Dr. S.K. Mital, Meerut, Western Zone, (2) Sri Chitranjan Singh, Allahabad, Eastern Zone, (3) Sri Prasant Kumar, Lucknow, Central Zone, (4) Sri. Ved Uniyal, Dehradun, Uttarakhand Zone and (5) Dr. P.S. Kushwaha, Agra, Bundelkhand. □

K.C. Gupta

“Nagara” under attack from Bihar Govt.

A glaring example of the Congress Government's authoritarianism and political interference at all levels of administration has come to light recently. A small Hindi fortnightly 'Nagara' published from Madhupur, a small town in the district of Deoghar in Bihar, in its editorial (1-15 June), 'Is military action a Remedy Against Terrorism'; charged the Union Government with failure to tackle the Punjab problem and expressed the view that the solution to terrorism has to be political and not military. This innocent and sane editorial was a sufficient provocation for the Deputy Commissioner, Deoghar, to issue a notice to the editor Shri Ghanshyam Bhagat, to show cause as to why he should not be prosecuted under the Defence of India Rules for condemning the Army Action and accusing the Government of failure. The Deputy Commissioner in his wisdom, has also declared that such an article was not in the national interest. However, the most shocking part is that the Deputy Commissioner in the same letter unabashedly states, "The Irrigation Minister of the state has taken the view that the matter is very grave". But what is really very grave to people is the Governments' blatant attack on their right to freedom of speech and expression and having a pliant bureaucracy in which a Deputy Commissioner should bid good-bye to reason, and administrative norms and act as a minion of ministers in areas where they are expected to apply their own minds.

The Bihar PUCL is giving all possible legal-aid to the editor, Shri Ghanshyam Das.

Prabhakar Sinha
PUCL, BIHAR

Rajasthan PUCL Meeting on Punjab Problem and Delhi Violence

The PUCL along with the Jan Chetna Manch, organised an Open Forum Discussion on the Punjab Issue. 162 delegates from Rajasthan, Punjab and Delhi representing political parties and different walks of life participated. The discussion focussed attention on the political, cultural, religious and socio-economic dimensions of the problem and the role played by political parties and the media. The ruling party and the government was held responsible for the impasse in Punjab. The religious extremists and the pro-Khalistan elements were condemned for inciting violence and destroying the unity of the country. The conference demanded restoration of civil liberties and democratic rights in Punjab, withdrawal of military and President's rule to form a popular government; release of all political prisoners and repealing the 'black laws'. The Conference categorically condemned interference in religious matters by all political parties.

and pleaded to all progressive, democratic and secular institutions and forces to pressurise the government for the restoration of normalcy.

During the last few months, deaths in police custody have become common in Rajasthan. The police pass them off as suicide, accident or heart failure. The PUCB is examining the case of such "accidents" in Jaipur.

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Other Civil Liberties Organisations Death in Police Lock-up at Kazipet

APCLC has investigated into the allegation that a 20-year old harijan youth, by name Kodavati Sudarshan, of Kadipikonda, Warangal was killed in Kazipet police lock-up and that his body was disposed of by the police. The following are the facts revealed in the investigation,

Kodavati Sudarshan was the son of Kodavati Bachchanna and Narsamma. His father is a Railway gang labourer. The boy had studied up to Intermediate. He was not involved in any crime at any time. On the 17th of 1984, at about 2-40 p.m. he borrowed a bicycle from Ankus Cycle Taxi, Kazipet. He went towards Somidi, a village located about 1 k.m. to the north of Kazipet police station. He was there till the evening. Activists of RYL came to Somidi in the evening to campaign for boycott of Parliamentary elections. They were canvassing near the school building at Somidi. A large number of people were present there.

The SI of Kazipet, Mr. Yadagiri Reddy, came to the place at about 5 p.m., on a scooter, with a constable riding on the pillion. He gave chase to the campaigning activists, and caught Sudarshan. Sudarshan was taken along with his rented bicycle towards Kazipet police station. They went past the fish market and the Govt. arrack shop no. 1. A larger number of people witnessed Sudarshan being taken, and being beaten on the way. His mouth was bleeding by the time they reached the police station. At the police station, the police threw him into the lock-up and went away for one hour. There were five other persons in lock-up at that time.

At about 6 p.m., a constable went to Ankus Cycle Taxi, and asked the proprietor, Mr. Ankus, to tell him the name of the person to whom he had rented cycle no. 12. Ankus told him the name of Sudarshan. The constable then asked Ankus to come to the police station and talk to the SI. Ankus did not like the idea of going to the police station at night time, and did not go. This proves conclusively that the police arrested Sudarshan, a fact that they have later denied.

At about 7 p.m., the SI came back to the police station. Sudarshan was taken out of lock-up and they started beating him. He was beaten non-stop for two hours till 9 p.m. He was bleeding all over the body and was unconscious by the time the beating stopped. The SI then called an R.M.P. doctor who gave injections to the boy. APCLC has tried its best to locate the doctor, but without success. However, the attempt revealed some interesting facts concerning the Kazipet SI's methods of 'investigation'. Torturing persons in lock-up and then

getting them treated by doctors appears to be a normal matter for him. One doctor told APCLC that he has gone three times in the last one month to Kazipet lock-up to give treatment to victims of torture.

Throughout the night of 17th December, Sudarshan was groaning in pain. By the morning of 18th, his condition appeared to have become serious, for the police removed all the other five persons who were in lock-up. Three of them were released and two were shifted to Hanamkonda lock-up. Sudarshan appears to have died during the daytime of 18th. His body was removed by the police in a private car and taken towards Eturnagar. It was burnt in the forest.

Since that time the police have been denying Sudarshan's arrest. When Mr. Ankus made enquiries on

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International Human Rights News

Eight years of Charter 77

The Czechoslovak human rights movement known as Charter 77 for a 'free, informal and open Community of people of different views, religious convictions and professions, united by their determinations, singly and jointly, to defend civil and human rights', was eight years old on 1 January 85. Shortly afterwards, it announced the names of its three new spokesmen: Jiri Dienstbier, a blacklisted journalist, formerly Czechoslovak Radio correspondent in South East Asia and the USA and the commentator on foreign affairs; the writer Eva Kanturkova; and office worker Petruska Sustrova. All three, together with the three outgoing spokesmen and the playwright Vaclav Havel, were briefly detained by the secret police on 3 January.

17 Writers face Death in Libya

A recent Amnesty International report expressed concern about human rights violations in Libya. Among those suffering for voicing their opposition to the government are 17 journalists and writers who face death sentences.

Town Arrest Orders in the West Bank

A special report from Amnesty International expresses concern about town arrest orders in Israel and the Occupied Territories.

Those affected include journalists, teachers and students. Since the beginning of 1980, 13 journalists have been placed under town arrest out of a total of 148 people under restriction.

Index on Censorship

1000 'Disappeared' in Peru

More than 1000 men, women and children have 'disappeared' after being seized by troops or police since a remote area of Peru was placed under military rule two years ago, according to the Amnesty International. Hundreds of others are known to have been killed in custody, often after torture. The true scale of the abuses by government forces in the mountainous southern area is not known.

Indian Express (24 January 1985)

Death in Police Lock-up*Contd. from p. 21, Col. 2*

the 18th about his bicycle he was told by the police that they knew nothing about it. Ankus then informed Sudarshan's parents about the matter. The boy's mother has been repeatedly visiting Kazipet police station since that time but the police are telling her that they have not arrested him. The police have given the same reply to a Habeas Corpus petition filed in the High Court.

This is the second recent incident in Warangal where the police have killed a person in lock-up and disposed of the body and denied having arrested him. On 28 July they arrested 10 Waddera tribals of Karimnagar dt, and tortured them in Hanamkonda lock-up till 14 August. One of them, Alakunta Peddavenkati, died on Aug 14. The police removed his body in a private car and cremated it. When a Habeas Corpus petition was filed in the High Court, they denied having arrested him. In other places, the police atleast hand over the dead body to the kith and kin of the deceased, with some fabricated story that he has committed suicide or that he died of heart attack. But in Warangal, in keeping with the notoriety of the district's police set-up, they are themselves cremating the body and denying the arrest.

Sudarshan is the 24th victim of police torture in our State in 1984 alone. If the public does not raise its voice of protest against these murders in the name of interrogation, this can become a very dangerous trend. We call upon the public to join us in demanding a judicial enquiry into Sudarshan's death.

Dr. K. Balagopal
General Secretary
A.P. Civil Liberties
Committee

LETTER**Help Charitar Thakur**

I wish to bring to your kind notice the case of Shri Charitar Thakur, son of Shri Ramkishan Thakur of Manserpur, Post Office Balia near Begusarai, Bihar with the hope that your organisation can do something for him.

Charitar Thakur is a young man of 26 years. In 1974 he had actively participated in J.P.'s movement when he was only a school student. He had been imprisoned a number of times for these activities. In 1974 when he was only 16 years, on October 2, the Chatra Janasangharsh Samiti had given a call for Bihar Bandh and Charitar

Contd. from p. 21, Col. 1

The PUCL organized a meeting of eminent citizens, Sarvodaya organizations, Gandhian institutions and the Chetna Manch on November 24 to voice demand for a judicial enquiry into the country-wide riots particularly in Delhi in which several thousands of human beings were burnt alive and crores worth of property looted and destroyed. The members expressed the view that the violence was not communal but an organized carnage under the patronage of political leaders out to exploit a tragic situation. Pending the judicial enquiry, the meeting demanded quick, punitive action against the perpetrators of violence who have already been identified.

The PUCL along with the Jan Chetna Manch and members of Gandhian institutions organized a dharna on November 26 at Johri Bazar to draw attention of the public to the need of the communal harmony and to the political leaders who were directly or indirectly involved in organizing the riots or protecting the rioter.

Hemlata Prabhu
Secretary
P.U.C.L. (Rajasthan)

Apology

We once again express our regrets for not being able to maintain the regularity of the PUCL BULLETIN because of several unavoidable circumstances. The readers will notice that from this issue, the BULLETIN is being brought out by a reorganised Editorial Collective. This is part of our effort to bring it back to normal publication schedule. Subscribers to the BULLETIN will be duly compensated.

Y.P. Chhibbar
General Secretary

Thakur had actively participated in 'Rail Roko' movement in Begusarai railway station. For this a case had been lodged against him at that time, but the case came up for trial after ten years in 1984. Many of his associates have been let off but he is going through the trauma of a court case. He is a very poor man. He has not been able to complete his studies. He is supporting his family by working on daily wages. In addition, he has to bear the cost of this litigation. So please help him in any way possible so that a poor man is not penalised for having participated in a peaceful movement.

Dr. (Mrs.) J. Mukherjee
B-223 Chittaranjan Park
New Delhi 110019

23 Jan. 1985

Contributions Invited

Contributions to the PUCL BULLETIN are welcome. Civil Liberties and Human Rights news, comments and articles focusing on democratic rights issues should reach the editorial office (F-67, Bhagat Singh Market, New Delhi-110001) before 15th of every month.

Attack on Agricultural Labour

A report on the incidents in Manalur, 16 kms East of Kumbakonam in Thanjavur District, prepared by a Fact-Finding Team deputed by the Tamil Nadu Unit of the People's Union for Civil Liberties.

It is with deep regret that we, members of the team, place on record yet another ghastly attack on agricultural labourers in Tamil Nadu. S. Chandrakumar (28) and E. Chandrasekhar (45), two leaders of the Tamil Nadu People's Front, engaged in organising agricultural labour in Thanjavur district, were murdered and at least four others grievously injured when a caste-Hindu-landlord combine ran amuck in the Harijan colony in Manalur on Sep. 2, 1984.

The Thiruppanandal taluk in which Manalur lies has been the scene of simmering tension between caste-Hindu and Harijan farm workers. The Vannia community, also known as Padaiyachis, formed an association cutting across party lines. This association has been able to run a parallel raj of sorts arbitrating in favour of caste-Hindus in every dispute involving Harijans in the area. In a most egregious instance of this kind, Harijans of Vettaman-galam village were not allowed to carry their dead along a bridge constructed under the NREP programme to the cremation ground. Either bury the dead in your backyard or wade through the water, Harijans were told by this association. It took six long months of bitter struggle by Harijans for the police to provide escort to Harijan funeral processions. To this day no such procession had dared to march across the bridge without police bandobust.

In Thiruppanandal caste-Hindu landlords have been waging a running battle with farm-hands organised under various banners like the Revolutionary Youth League and the Tamil Nadu People's Front (TPF). When Rajendran, a caste-Hindu bus conductor who had earlier led a marauding attack on Harijans got killed in 1982, the police registered cases against and charge-sheeted as many as 57 Harijans including many Labour leaders. Chandrakumar, now murdered was among the accused in that case.

Puthur, another village in the area, only two months ago witnessed an unprovoked armed attack on Harijans who demanded that house-sites allotted to them in 1979 by the government be given to them. There too Harijans had to flee the place and live in exile for a long stretch of time.

Our inquiries reveal that Vanniar's association and its leaders are patronised by AICC-I General Secretary and Mr. Ko. Si. Mani, Secretary of the Thanjavur district DMK. It is in this context that the troubles in Manalur and their tragic sequel should be seen.

At the time the Manalur Vattaara Vivasayigal Sangam under the aegis of the TPF was founded in 1980, farm-wages for men were at Rs. 5 per day and Rs. 2.40 for women. Ramaiyan, a Vannia landlord involved in several murder cases (and the first accused in the present instance) was ruling the roost. His word was the law. Paavadai, a Harijan side-kick of the adjoining Thirumandurai village who had become a landlord by swindling the people was lending his hand in terrorising the labour. It should also be noted that the Mutts of Dharmapuram, Thiruppanandal and Thiruvaduthurai own thousands of acres of land in this area. The Dharmapuram Adheenam alone owns 21,787.2 acres of land plus another 8,000 and odd acres controlled by the Vaitheeswaran temple under its management, as per the infor-

mation provided on the floor of Tamil Nadu legislative assembly a few years ago. Those who are tilling the muttlands under lease-agreement wield a powerful clout.

Chandrakumar, a Harijan of Manalur, after resigning from the police force became a teacher in a local school and started organising labour in a systematic manner. Harijan and other landless labour of the area interviewed by this team still gratefully recall the innumerable struggles launched under his leadership and the meticulous way in which he studied land-holding pattern in the area. It was because of his persistent struggles, refusal to bow down to men like Ramaiyan and Paavadai, that the wages rose up to Rs. 9.30 per day for men and Rs. 7.80 for women. But it was the fact that he instilled the revolutionary consciousness in the poor peasantry and made them aware of their rights as citizens that annoyed the landlords more. Mr. Sourirajan P., Secretary of the Tamil Nadu Human Rights Protection Committee, who did not exactly approve of Chandrakumar's attempts to achieve a sharp polarisation between the propertied and the proletariat, paid glowing tributes to his conscientious work and positive results thereof. Sourirajan felt that the attempt to implicate Chandrakumar and his associates was only an attempt to frustrate his efforts to organise the landless.

Apparently the landlords led by Ramaiyan and Paavadai had enough and they decided to put an end to it. On July 18, Chinnadurai (25) of Thirumandurai, a member of the Vivasayigal Sangam was felled with a sickle following a quarrel. He has since been hospitalised and doctors say he cannot use his left leg any more. Houses of Murugesan and Ganapathi, two other members were ransacked. The members of the Sangam were up in arms, and land-lords preached peace. The clash had erupted at a very inconvenient time when the planting operations were still on.

After a brief interlude, that is after the planting operations were over, terror was let loose on the Harijans of Manalur. Both on the night of Aug. 7 and the morning a few hundred armed caste Hindus and lar ironically, led by Paavadai, raided the Harijan. looted the grains and beat up the residents. At least were seriously injured. The house of one Kanaga burnt. More importantly the diary of Chandra in which he had collected data on the land probl. the area—who owns how much, how one came to acq; so much, who is whose patron, what is police record, etc.—was taken away. But those arrested were four members of the Vivayasigal Sangam. In fact again and again during our investigation we came up against statements charging the police, specially Sub Inspector Natarajan, with blatant partisanship, sometimes of even conniving and actively colluding in the attacks on the landless.

Scared by the arson and looting on those two days, the Harijans left the area en masse. They had no arms to defend themselves and the police was apathetic to their plight. Telegrams to the authorities including the District Collector proved of no avail. Then on Aug. 27, a team of workers led by Mr. U. G. Narayanasamy, General Secretary of the TPF, presented a petition to the collector. She did not res-

pond favourably. Two days later Superintendent of Police (Thanjavur West) S. Ramarajan acted on their supplication and instructed the Thiruppanandal Police to provide police escort to those wanting to return to Manalur and promised action against the offenders. Meanwhile the Kumbakonam sub-collector had gone to Manalur and finding no one to talk to returned and reported that no inquiry could be conducted. The local S. I. dilly-dallied and kept the 75 odd families waiting on the streets of Thiruppanandal. They would come to the police station in the morning, represent their case, wait all through the day and scurry to the safety of nearby Harijan colony in the night fearing lathi charge by police or attack by landlords. This charade was at last over on Sep. 2. But how?

The Inspector went on leave, a day before. The SI assured them of adequate police escort and they walked some 10 to 12 kms to Manalur on foot. On arrival they found all their houses completely looted. Gone were their grain stored for off-season consumption, their utensils, clothes, cattle, chicken, everything. Only the mudwalls and thatched roofs remained. Even as some of their leaders were deliberating on their next move in the colony temple, at about 2.45 P.M. (on Sep. 2) the village church bell clanged ominously. (Such a ringing of the bell had signalled attack on them in 1983. Church sources confirmed that the church bell had been used as the signal for the launching of attacks on both the occasions. They however disclaimed any responsibility). Suddenly from nowhere appeared three motor vehicles and in a flash hundreds of caste-Hindus and landlords surrounded the colony on all sides. Chandrakumar and Chandrasekhar, also a respected agricultural labour leader of Mannargudi and a top man of the TPF in Thanjavur district, both appealed for peace according to eye-witness accounts. They raised their hands beseeching mercy according to the custom. They told the attackers that they were not armed, they had not come to fight but only to resume normal life. In fact the police had given the impression that the district administration would be mediating in the dispute. But all in vain. In a few minutes Chandrasekhar was felled by a sickle, Chandrakumar who had tried to escape was pulled out of hiding, and stabbed 33 times. Some women said that after he was killed the landlords and their men disfigured his face by tearing away the skin in a horrendous fashion and smeared mud all over his eyes and cheeks. A. G. Arunganathan (28) of handavapuram near Mayiladuthurai and a peasant, A. Lourdasamy (36) and Gurusamy (42) of Manalur also sustained severe injuries. Some women rushed to the police station to complain of the attack but were rudely turned away by the SI who is reported to have remarked, "Go away...you deserve these things."

Police made its appearance at about 7 P.M. but what they did was to beat up and lock inside the temple the Harijan boys of surrounding villages who had come to Manalur to find out what was happening. The Superintendent of Police had to rescue them from incarceration late in the night.

From then on the village has remained deserted. The atmosphere was eerie when we visited it, with signs of looting and arson every where. Even the caste-Hindu side looked equally desolate. Some women were there but they refused to say anything. Men have disappeared app-

ehending arrest. The Police have registered case against thirteen persons including Ramaiyan and Paaavdai. In fact the FIR mentions 13 names and "others" meaning they are on the look out for some more though they are not sure of their background etc. Surprisingly while Ramaiyan and another accused have since surrendered before the court, the police have not been able to arrest any of the rest. Ko.Si. Mani and others including a village administrative officer are shielding the culprits, it is reliably learnt. More interestingly Marimuthu, one of the accused in this case and supposedly at large, appeared as prosecution witness in the 1982 murder case referred to earlier, in the Thanjavur sessions court on Sep. 13. It should be remembered that the very same SI who claims that the said accused is at large has served the summons on him for deposing as witness in the 1982 case.

The reaction of the administration is puzzling, to say the least. To this day not a thing has moved regarding the rehabilitation of the uprooted. Mrs.O.P. Sosamma, collector, fidgeted all through our interview with her. She first said that since we were not on the approved DIPR list she would not talk to us. She could not make out what PUCL was all about. She even said, "I'm scared etc., Finally she announced "The administration would do whatever it could on the matter..." It was this administration which received a telegram on Aug. 8 itself after the first attack and received a memorandum on Aug. 27, but failed to come to the people's rescue. And its official satisfied himself with reporting, "nobody available to talk to". What it is contemplating now remains, a mystery.

The Superintendent of Police talked of peace-committees and initiating rehabilitation measures. He seems to be a reasonable man but what he would do remains to be seen.

On our part we want to point out that we have not heard the last of the landlord/farm-worker struggle. Even if those who have now been forced out of Manalur perish embers of revolutionary consciousness among the peasantry would continue to glow and might erupt one day. Workers are being mobilised on class basis and not on caste lines. Thanjavur district has 21 per cent of Harijans, most of them labourers. When they join hands with other caste-Hindu workers the administration will have real trouble on its hands. We suggest and demand:

1. Immediate measures to rehabilitate Manalur Harijans affected by the riots and sufficient monetary compensation
2. Immediate arrest of all the culprits
3. Handing over of the case to the Central Branch CID for expeditious investigation
4. Settling the uprooted on sites very near the main road itself, instead of the present area, which is inaccessible to police even if they want to intervene and very vulnerable to attack with minimal chances of escape
5. Study of the wage structure in the area and implementation of the Minimum wages Act
6. Severe punitive measures against untouchability and
7. Land reform and assigning of surplus land to labourers

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